

REMARKS

Claims 1 and 25 are amended to recite that structural member (C) consists essentially of polyacetal resin. Claim 4 is amended to be consistent with claim 3. The spelling of "ionomer" is corrected in claims 14 and 15. No new matter has been introduced. Claims 1, 3-17, and 19-25 are in the application.

Previous claims 1-5, 9-11, 13, 14, 16, and 17 were rejected under 35 U.S.C. §112 as being unpatentable over US 4,250,661 (Kodera) in view of US 5,108,844 (Blemberg). Previous claim 6 was rejected under 35 U.S.C. §112 as being unpatentable over Kodera in view of Blemberg and US 4,377,667 (Sakurai). Previous claims 7, 8, 12, 15, and 20 were rejected under 35 U.S.C. §112 as being unpatentable over Kodera in view of Blemberg and US 4,535,127 (Matsuzaki). These grounds of rejection do not apply to the claims herein in their present form.

In the Advisory Action of January 23, 2004, the Examiner argued that the integrated structure of the present invention is obvious from Kodera and Blemberg. According to the passage from page 2 to the second paragraph on page 3 of the advisory Action, the Examiner's position requires that layer (1) and layer (2) of Kodera read on structural members (C) and (B) herein, respectively, and that a tie layer allegedly motivated by Blemberg reads on structural member (A) herein. Inasmuch as structural member (C) herein now

consists essentially of polyacetal resin (c), however, layer (1) in Koderá cannot read on structural member (C) any more, and the Examiner can no longer maintain his position of record.

Specifically, layer (1) of Koderá comprises 100 parts by weight of a thermoplastic resin (olefin or vinyl chloride) and about 1 to about 40 parts by weight of an acetal resin. The content of thermoplastic resin in the Koderá composition is significantly more than that of the polyacetal resin in layer (1). Clearly, the addition of the amount of thermoplastic resin taught by Koderá would materially change the polyacetal resin. Indeed, Koderá teaches that if the content of polyacetal resin exceeds 40 parts by weight, the resulting film becomes hard and brittle, and compositions with higher amounts of polyacetal resin in them are thus impractical.

As mentioned in the Advisory Action, it is true that structural member (C) can be mixed with additives, such as a heat stabilizer, an antioxidant, etc. However, considering that the present invention is to provide structures, such as automotive parts, which take advantage of the distinctive mechanical strength, etc., of the polyacetal resin, the addition of significant amounts of other resins or additives to materially change the polyacetal resin is not intended in the present invention from the first.

Layer (1) and structural member (C) are thus clearly distinguishable. Koderá in view of Blemberg thus merely motivates a film comprising: a layer (1) comprising 100 parts by weight of a thermoplastic resin and 1-40 parts by

weight of polyacetal resin; a layer (2) comprising the thermoplastic resin; and a tie layer which is a blend of layers (1) and (2) – so that the tie layer thus comprises a lesser amount of the polyacetal resin than does layer (1). Clearly, such a film differs substantially from the structure of the present invention having a structural member consisting essentially of polyacetal resin.

Sakurai was cited merely to show that the molecular weight of polyacetal can be controlled by using a chain transfer agent and thus does not affect the unobviousness of the present invention as discussed above.

Previous claims 1-4, 10, 11, 13, 16, 17, 21, and 22 were rejected under 35 U.S.C. §112 as being unpatentable over JP 10-029276 (Polyplastics) in view of Blemberg. Previous claim 18 was rejected under 35 U.S.C. §112 as being unpatentable over Polyplastics in view of Blemberg and JP 58-053953A (JSR). Previous claims 7, 8, 12, 20, 23, and 24 were rejected under 35 U.S.C. §112 as being unpatentable over Polyplastics in view of Blemberg and Matsuzaki. The stated grounds of rejection do not apply to the present claims.

In the Advisory Action, the Examiner took the position that the embodiment in Polyplastics closest to the present invention is the embodiment which does not contain a tie layer. See lines 3-4 on page 2 of the Advisory Action. The “closest” embodiment which does not contain a tie layer is a laminate consisting of a polyacetal resin layer and an olefinic resin

layer without a medium or an adhesive layer, wherein a modified polyacetal is introduced into the polyacetal resin layer and a modified olefinic resin is introduced into the olefin resin layer.

The Polyplastics embodiment improves adhesion between a polyacetal resin layer and a polyolefin resin layer, by introducing a modified polyacetal and a modified polyolefin into the respective layers. Blemberg in contrast teaches that, if layers X and Y are to be adhered together at least one adhesive layer or tie layer can be used, wherein the tie layer comprises a blend of some or all of the components of X and some or all of the components of Y. Although these two references both deal with improving the adhesion between two different resin layers, the approaches take in these two references are totally different from one another. One modifies the nature of the layers to be joined, and the other introduces a third adhesion layer between the two layers to be joined. It is, therefore, inappropriate to combine these two references to reject the present invention. The obviousness rejections based on Polyplastics in view of Blemberg cannot be sustained.

JSR was cited only to show introduction of a polyamide into a polyolefin to control the composition's mechanical strength. Matsuzaki was cited only to show that a polyacetal copolymer, composed of an acetal polymer portion and a thermoplastic elastomer portion having soft segments and hard segments, was known. JSR and Matsuzaki do not affect the unobviousness of the present

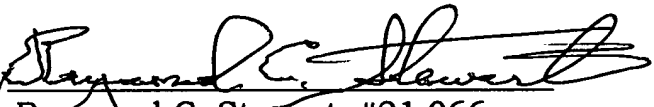
invention as discussed above.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Richard Gallagher (28,781) at (703) 205-8008.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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